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In the Supreme Court

OF THE

United States

OCTOBER TERM, 1929

No. 267

GEO. T. COTTINGHAM and WILLIAM C. MEGINNIS, doing business as City Transfer Company, et al.,

Appellants,

vs.

FRANK G. SNOOK, as Chief of the Division of Motor Vehicles, State of California, et al.,

Appellees,

MOTION FOR CONSOLIDATION AND HEARING.

W. R. CRAWFORD,
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HENRY G. HOTCHKISS,
L. C. Smith Building, Seattle, Washington.
Solicitors for Appellants.

...AD-WALSH PRINTING CO., SAN FRANCISCO

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The appellants in the above entitled cause show that there is now pending in this Court a case entitled *Carley & Hamilton, Inc., et al., v. Frank G. Snook,* as Chief of the Division of Motor Vehicles, being numbered No. 86, October term, 1929, under the provisions of Section 266 of the Judicial Code, as amended; the appellants are only using the streets of cities by

their motor vehicles, trailers and semi-trailers in transporting passengers for hire or property, and do not use any highway outside of the limits of said cities; the appellee under the color of his office threatens to and will enforce the provisions of the "California Vehicle Act," including subdivisions (b) and (c) of Section 77, as amended; the appellants claimed that said subdivisions (b) and (c) are unconstitutional and the acts of the appellee are void and illegal; the brief of the appellants has been served and filed.

In the instant case the appellants have perfected their appeal and expect to receive the printed transcript of record in the first part of October, 1929.

The appellants instituted this case under the provisions of Section 266 of the Judicial Code, as amended. The appellants are using the Federal Aided Highways and the streets of cities by their motor vehicles, trailers and semi-trailers in transporting property. The appellees under color of their offices have and will enforce the provisions of the "California Vehicle Act," including subdivision (c) of Section 77, as amended. The appellants claimed that said subdivision (c) is unconstitutional and the acts of the appellees are void and illegal.

In the case of *Carley & Hamilton v. Snook,* No. 86, the appellants were not the users of highways outside of the limits of cities, while these appellants use both the streets of cities and the Federal Aided Highways.

Wherefore, the appellants, as provided for under paragraph 8 of rule 20 of the Rules of the United

States Supreme Court, pray this Honorable Court to consolidate the above entitled cause with the case of *Carley & Hamilton, Inc., et al. v. Frank G. Snook,* as Chief of the Division of Motor Vehicles, No. 86 of October Term, 1929, and hear as one case; and that the appellants can adopt the brief of the appellants in said No. 86, as their own, and with permission to file an additional brief on the questions which were not within the issues in said case No. 86.

Dated, San Francisco,
September 28, 1929.

W. R. CRAWFORD,
J. F. VIZZARD,
HENRY G. HOTCHKISS,
Solicitors for Appellants.